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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE RULE 45 SUBPOENA ISSUED TO
SOFER & HAROUN REGARDING
ROBOCAST, INC. V. MICROSOFT
CORPORATION, a case pending in the United
States District Court for the District of Delaware,
Case No: 10-cv-1055-RGA

Misc. No. 1:13-MC-00102-P1

**DECLARATION OF AKIVA M. COHEN IN OPPOSITION TO MICROSOFT
CORPORATION'S MOTION TO COMPEL AND IN SUPPORT OF SOFER &
HAROUN LLP'S MOTION TO QUASH**

I, Akiva M. Cohen, declare:

1. I am a attorney with the law firm of Foley & Lardner LLP, counsel to non-party Sofer & Haroun, LLP (“Sofer”) in the above-entitled matter. I submit this Declaration in support of Sofer’s Opposition to Microsoft Corporation’s (“Microsoft”) motion to compel Sofer’s compliance with the deposition and document production subpoenas dated March 4, 2013, and in support of Sofer’s motion to quash these subpoenas. I have personal knowledge of the matter stated herein, and if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of Microsoft’s March 4, 2013 Subpoena to Testify at a Deposition in a Civil Action, issued from the United States District Court for the Southern District of New York, as it was served on Sofer.

3. Attached hereto as Exhibit 2 is a true and correct copy of Microsoft’s March 4, 2013 Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, issued from the United States District Court for the Southern District of New York, as it was served on Sofer.

4. Attached hereto as Exhibit 3 is a true and correct copy of Microsoft’s February 6, 2013 Subpoena to Testify at a Deposition in a Civil Action, issued from the United States District Court for the Eastern District of New York, as it was served on Sofer.

5. Attached hereto as Exhibit 4 is a true and correct copy of Microsoft’s February 6, 2013 Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, issued from the United States District Court for the Eastern District of New York, as it was served on Sofer, with the attachment removed because it is identical to the attachment to Exhibit 2.

6. On November 14, 2012, Judge Andrews ordered that fact discovery in Robocast Inc. v. Microsoft Corp., Case No. 10-cv-1055-RGA, pending in the United States District Court for the District of Delaware, be closed on February 15, 2013.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Memorandum of Law in Support of Sofer & Haroun, LLP's Motion to Quash the February 6, 2013 subpoenas, as it was filed with the United States District Court for the Eastern District of New York.

8. Attached hereto as Exhibit 6 is a true and correct copy of Microsoft's Notice of Withdrawal of its February 6, 2013 subpoenas to Sofer, as it was served on counsel for Sofer.

9. Attached hereto as Exhibit 7 is a true and correct copy of the January 15, 2013 email from Mr. Brian K. Wells, counsel for Microsoft, to Mr. Akiva M. Cohen, counsel for Sofer, relating to Microsoft's Motion for Leave to Amend its Answer to Robocast's First Amended Complaint.

10. Attached hereto as Exhibit 8 is a true and correct copy of the March 12, 2013 email from Sofer's counsel, Mr. Akiva M. Cohen, to Ms. Jenny Shmuel, counsel for Microsoft, relating to Microsoft's March 6, 2013 subpoenas.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct and that this declaration was executed on this 5th day of April, in New York, New York.

/s/Akiva M. Cohen
Akiva M. Cohen